

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
December 19, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:59 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Absent:

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Albert Colby, Jr., Valerie Tweedie, Ken Fegan, Heidi Yapple, Jeff Cobe, Rachel Schwartz, Warren Petoskey, John Espinosa, Barry Crowell, Susan Swadling, Cheryl Kishigo

Commission, Boards and Committees: John Keshick III, Marty VanDeCar, Denise Petoskey, Shirley Oldman, Sheran Patton, Judy Pierzynowski

Guests: Marcia Sutton, Carol McFall, Harriett Booth, Allie Maldonano

Opening Ceremony: Warren Petoskey

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to adopt the agenda for December 19, 2004 with changes.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve the minutes of December 5, 2004 as presented.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to ratify into the record the phone poll dated December 7, 2004 to authorize the Tribal Chairman to sign the Pharmacy Services Agreement necessary because of the closing of the chemist shop. The phone poll passed.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to accept the Elder's report given by Chairperson Richard Wemigwase.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to establish a policy for the following maximums for the Elder's Ramp Program; time and materials rate for non bidding construction of ramps with a max time rate of \$28.00 per hour capped at \$700.00 labor and actual costs; ramps costing more than \$700.00 shall require a written estimate prior to ordering materials; and further direct the Tribal Administrator to implement the program in the most expeditious manner.

Motion Withdrawn

10:59 a.m. Recess called

11:14 a.m. Meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to accept the verbal and written report as presented by the C.F.O., Valerie Tweedie, for December 19, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley to approve the Gaming Board of Directors budget for the month of December 2004 for \$41,839 and to approve the amount of \$160,650 for FY2005.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet to approve the 2004-01 comprehensive budget amendment for the year ending 12/31/2004 in the amount of \$229,023. Funding to come from \$14,904 indirect cost recovery and \$214,119 to come from current savings in various general fund programs and the remainder from prior period fund balances.

Motion dies due to lack of support

11:51 a.m. Public Comment opened, Marty Van De Car, Carol McFall

11:57 a.m. Public Comment closed

12:13 p.m. Lunch recess called

1:48 p.m. Meeting reconvened

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the 2004 comprehensive budget amendment for the year ending 12/31/04 in the amount of \$203,523 funding to come from \$14,904 indirect cost recovery and \$188,619 to come from the current savings in various general fund programs and the remainder from prior period fund balances.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve \$25,500 for FY 2004 with Chippewa Ottawa Resource Authority for the Inter Tribal Fishery Assessment program to come from prior year fund balance.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley withdrawn and supported by Councilor Fred Harrington, Jr., to adopt Resolution #121904-01 National City Bank Change of Signatories on Fish Purchases Account.

2:26 p.m. recess called

2:34 p.m. meeting reconvened

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-no

Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Fred Harrington, Jr., to accept the Tribal Administrator's verbal and written report for December 19, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve \$27,000 in funding for the Emergency Client Assistance fund with \$25,000 for 2005 expenditures and \$2,000 for the remaining time in 2004 to come from prior year funds.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve mailing of the Little Traverse Bay Bands of Odawa Indians Substance Abuse Survey to all Tribal Members 18-yrs and older.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to deny the Tribal Administrator's request to change the Native Hiring Preference Policy that requires a 2-yr contract for hiring of non native employees.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to reprimand the Human Resource Director for insubordination for specifically claiming we do not know the legality of our motions.

Vote: 4 Yes, 3 No (Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Councilor Regina Gasco Bentley) 0 Absent, 0 Abstained

3:43 p.m. Recess called

3:55 p.m. Meeting reconvened

4:06 p.m. Public Comment opened: no public comment

4:06 p.m. Public Comment closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to accept the Tribal Chairman's verbal and written report as presented on December 19, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to adopt Resolution #121904-02 Support of the Match-e-be-nash-she-wish Band of Pottawatomi Indians Request Urging a Class III Gaming Compact with the Governor of the State of Michigan.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law for any Tribal Council member to attend the United Tribes of Michigan meeting to be held February 24-25, 2005 to include mileage, stipend, lodging and per diem at Victories Hotel.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to host the United Tribes of Michigan meeting to be held at Victories Hotel for February 24-25 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank that Little Traverse Bay Bands of Odawa Indians host the Tribe/ State Summit with the Governor of the State of Michigan in the spring of 2005.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to approve the payment of \$46,400 for 2005 to the Chippewa Ottawa Resource Authority in support of Biological Services Department, services defined in the 2000 Consent Decree. Funding to be determined from the 2005 budget amendment.

Vote: 6 Yes, 1 No (Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet approving any Tribal Council member wishing to attend Tribal and 1st Nations meeting Great Lakes Accord in Chicago January 31-February 1, 2005 to include mileage, stipend, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to reprimand the Education Director for failing to develop procedures to implement the Michelle Chingwa Education Assistance Act; further to direct the Education Director to develop procedures for the Michelle Chingwa Education Assistance Act that will require the Education Department to take an active role in the process of assisting students throughout the entire financial aid process and make available a petition process for Education Commission review of complaints and exceptions beginning January 1, 2005.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to approve the articulation agreement between Ferris State University and Little Traverse Bay Bands of Odawa Indians and authorize for the Tribal Chairman to sign, pending review and recommendations of the Legal Department.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Regina Gasco Bentley and supported by Councilor Rita Shananaquet to accept the verbal and written report from Legal Department, as presented by Jim Bransky, for December 19, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to allow the sale of items with the Little Traverse Bay Bands of Odawa Indians logo as directed by the Legal Department as needed to aid in the protection of the Tribe's ownership rights to the logo.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #121904-03 Victories Expansion Loan Authorization and Limited Waiver of Sovereign Immunity.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank, Secretary Dexter McNamara-yes,

Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-no, Councilor Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to extend the contract with the Tribal Prosecutor for a period of one year or until a prosecutor is appointed under the proposed Constitution if adopted, whichever occurs first.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to accept the Gaming Administration's verbal and written report as presented by Sherri Patton for December 19, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Regina Gasco Bentley to adopt Resolution #121904-04 Inter-Tribal Council of Michigan, Inc. application for funding: U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration *Anishnabe Adolescent Treatment Coordination Coalition Program*.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #121904-05 Funding request from the Michigan State Police, Emergency Management Division, Hazard Mitigation Grant Program; Little Traverse Bay Bands of Odawa Indians - Tribal Government Center Storm Water Retention Basin Project.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #121904-06 Request for Funding from the U.S. Department of Justice, Office on Violence Against Women: Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank - yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to allocate the unused funds from the 2004 program budget for the Reaffirmation Video Production Program #1201-2-56, to be carried over to supplement the 2005 program budget.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to enact Waganakising Odawak Statute Enrollment Statute Amendment sponsored by the Economic Development Commission effective immediately, the statute authorizes the use of Tribal I.D.'s for Tribal Services.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes,

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to approve the 2005-2007 U.S. Environmental Protection Agency/ Little Traverse Bay Bands of Odawa Indians Tribal Environmental agreement and authorize the Tribal Chairman to sign.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to adopt Resolution #121904-07 Authorization for Live Scan Agency Agreement.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank –yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Councilor Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Regina Gasco Bentley that we enter into the Inter-local Agreement for Deputization and Mutual Law Enforcement Assistance between Little Traverse Bay Bands of Odawa Indians and the County of Emmet, ending December 31, 2008 and authorize the Tribal Chairman, the Tribal Chief of Police and the Tribal Prosecutor to sign.

Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Councilor Fred Harrington, Jr.), 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to approve Enrollment list B-declination (Ineligible) for December 8, 2004.

Vote: 5 Yes, 2 No (Councilor Fred Harrington, Jr., Secretary Dexter McNamara) ,
0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to apologize to the Little Traverse Bay Bands of Odawa Indians Tribal Members for any inconvenience or unnecessary problems created in the delivering of the Christmas party gifts to the Grand Rapids area.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Treasurer Alice Yellowbank to authorize Tribal Council attendance at the Midwest Alliance of Sovereign Tribes meeting in January 2005 at Lac Du Flambeau, WI to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to authorize Tribal Council attendance at the Tribal Energy Summit in February 2005 to include stipend, mileage, lodging and per diem upon verification of the meeting.

Vote: 6 Yes, 0 No, 1 absent (Secretary Dexter McNamara), 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize Tribal Council attendance at the Midwest Alliance of Sovereign Tribes Impact Week in Washington DC in March 2005 to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Regina Gasco Bentley to authorize Tribal Council attendance at the National Indian Gaming Association Trade Show and Convention in San Diego, CA in April 2005 to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Rita Shananaquet to authorize Tribal Council attendance at the National Congress of American Indians Winter Session in Washington DC in February/March 2005 to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Councilor Regina Gasco Bentley to authorize Tribal Council attendance at the Wind Energy Summit in Mt. Pleasant, MI in January 2005 to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Vice-Chairperson Beatrice A. Law to authorize Tribal Council attendance at the Federal Bar Association Indian Law Conference in Albuquerque NM in April, 2005 to include stipend, mileage, lodging and per diem.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

7:29 p.m. Motion made by Councilor Rita Shananaquet and supported by Councilor Fred Harrington, Jr., to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

These Minutes have been read and approved as written:
Approved:

Dexter McNamara, Tribal Secretary

Date